

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Hayden Beckman, Planning Aide
DATE: February 17, 2010

SUBJECT: **CONDITIONAL USE PERMIT NO. 2010-001 (MONA LISA RESTAURANT)**

LOCATION: 9017 Adams Avenue, 92646 (north of Adams Avenue, east of Magnolia Street)

**Applicant/
Business**

Owner: Omid Ataie, Mona Lisa Restaurant, 8342 Lambert Drive, Huntington Beach, CA 92647

Property

Owner: Huntington Beach Shopping Center, Ltd., 16200 Ventura Blvd., #302, Encino, CA 91436

Request: To permit the on-site sale and consumption of beer and wine within an existing 995 sq. ft. restaurant located within an existing multi-tenant commercial shopping center.

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

Zone: CG (Commercial General)

General Plan: CG – F1 (Commercial General – 0.35 Maximum Floor Area Ratio)

Existing Use: Restaurant

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project involves

negligible expansion of an existing restaurant use and involves no expansion in the overall floor area of the structure.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2010-001:

1. Conditional Use Permit No. 2010-001 for the establishment, maintenance and operation of the on-site sales and consumption of alcohol within an existing restaurant will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The subject tenant space is located approximately 100 linear feet from residential uses to the north. Residential uses are buffered by a 6 ft. high property line block wall, 25 foot wide drive aisle, and an existing single story commercial building. Entrance doors into the restaurant are located along the south side of the building facing Adams Avenue which is directed away from adjacent residences. Alcohol consumption will be limited to the interior of the business and with incorporation of the conditions of approval is not anticipated to significantly impact the surrounding area and shall be in conjunction with a bona fide eating establishment. Additionally, the site provides the necessary parking to accommodate the request.
2. The conditional use permit will be compatible with surrounding uses because the sales and consumption of alcohol will occur on-site and within the interior of the restaurant during business hours similar to other commercial uses within the vicinity. The restaurant is located within an existing commercial development and consistent with adjacent neighborhood oriented uses, which serve local residents.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The restaurant with alcohol sales is located within an existing commercial center and complies with on-site parking requirements. Alcohol sales are permitted in the CG (Commercial General) zone subject to approval of a Conditional Use Permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation Commercial General (CG) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, and capitalize on Huntington Beach's recreational resources.

B. Economic Development Element

Policy ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located within an existing commercial center, which includes service and retail uses.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2010-001:

1. The site plan, floor plans, and elevations received and dated January 5, 2010 shall be the conceptually approved layout.
2. The use shall comply with the following:
 - a. Business hours shall be limited between 11:00 AM and 10:00 PM. **(PD)**
 - b. Food from the regular full menu must be available up to one hour prior to the scheduled closing time. **(PD)**
 - c. The submitted floor plan shall not be modified without prior approval from the Huntington Beach Police Department. **(PD)**
 - d. Alcoholic beverages shall be served in containers which are distinct from non-alcoholic beverages. **(PD)**
 - e. All areas permitted for the sales, service, and consumption of alcoholic beverages shall be sufficiently illuminated to allow for the identification of patrons. **(PD)**
 - f. No advertisements or banners promoting the sales of alcoholic beverages shall be visible from outside the business. **(PD)**
 - g. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
3. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly

notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.